



Legislative Bulletin.....September 7, 2005

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: unavailable

Effect on Revenue: 0

Total Change in Mandatory Spending: unavailable

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 2

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.Res. 423 — Honoring and recognizing the distinguished service, career, and achievements of Chief Justice William Hubbs Rehnquist upon his death (Sensenbrenner)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 7th, under a unanimous consent agreement.

Summary: H.Res. 423 resolves that the House “has learned with profound sorrow of the death of Chief Justice Rehnquist; and honors, recognizes, and expresses gratitude for the distinguished service, career, and achievements of William H. Rehnquist upon his death.”

Chief Justice Rehnquist was born on October 1, 1924 in Milwaukee, Wisconsin. He served in the Army Air Corps during World War II and earned a bachelor's and two master's degrees from Harvard University before graduating first in his class at Stanford Law School. Rehnquist went on to serve as a Supreme Court law clerk and eventually worked at the Department of Justice under the Nixon Administration. Appointed to the Supreme Court by President Nixon in 1971, Rehnquist was then appointed in 1986, by President Reagan to be the Chief Justice of the Court. Justice Rehnquist's 33 years of service on the Court ended on Saturday, September 3, 2005, when the Chief Justice passed away at the age of 80, after losing his battle with thyroid cancer.

Additional Information: In a statement regarding the death of Chief Justice Rehnquist, National Right to Life stated, "He [Rehnquist] consistently voted to allow elected lawmakers to decide when and how to protect unborn human life. ... Rehnquist was the last remaining member of the Supreme Court that handed down *Roe v. Wade* in 1973. He was one of the two dissenters in that case, writing that the Court's doctrine on abortion 'is far more appropriate to a legislative judgment than to a judicial one.'"

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.Res. __— Expressing the condolences of the Nation to the victims of Hurricane Katrina, commending the resiliency of the people of the States of Louisiana, Mississippi, and Alabama, and committing to stand by them in the relief and recovery efforts (Boustany)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 7th, under a unanimous consent agreement.

Summary: H.Res. __ resolves that the House:

- “expresses the condolences of the Nation to the victims of Hurricane Katrina;
- “commends the resiliency and courage of the people of the States of Louisiana, Mississippi, and Alabama; and
- “commits to provide the necessary resources and to stand by the people of the States of Louisiana, Mississippi, and Alabama in the relief, recover, and rebuilding efforts.”

Background: On August 28, 2005, Hurricane Katrina reached landfall, devastating the Gulf Coast states. As recovery and relief efforts are underway, thousands of Americans remain missing or have lost their lives. Thousands more have lost their homes, loved ones, and their livelihoods. The hurricane damage is widespread, reaching the states of Mississippi, Louisiana, Alabama, Florida, Texas, and Georgia. In response to this tragedy, members of the Coast Guard, the National Guard, Red

Cross and Salvation Army volunteers, numerous doctors, nurses, police officers, and countless others, have offered their time and skills to help with the recovery and rebuilding efforts.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.R. 3650 — Federal Judiciary Emergency Special Sessions Act (Sensenbrenner)

Order of Business: The bill is scheduled for consideration on Wednesday, September 7, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3650 would allow U.S. Courts of Appeals to conduct proceedings outside their normal territorial jurisdictions. If the chief judge finds that no location within the circuit is “reasonably available” due to emergency conditions, each respective court of appeals may hold special sessions at any place within the United States. If the above authority is exercised, the bill requires the court to send notice to the Senate and House Committees on the Judiciary. It also requires that the court submit a “brief report” within 180 days of the expiration of the court order to the Senate and House Committees on the Judiciary stating the reason, duration, impact, and cost resulting from the order.

Also grants District Courts and Bankruptcy Courts the same authority to conduct business outside the district in emergency circumstances. For District Court, it requires the same notification and reporting requirements. It requires Bankruptcy Courts to notify the U.S. Marshals Service before the commencement of any special session held pursuant to such an order.

Additional Information: The bill does not define the term “emergency conditions.” Under current law, courts may suspend “any regular session of court at any place for insufficient business or other good cause” but does not have the authority to conduct business outside its jurisdiction.

Committee Action: H.R. 3650 was introduced on September 7, 2005, and placed on the House Calendar without referral to Committee.

Cost to Taxpayers: A CBO score of H.R. 3650 is unavailable. The bill contains no authorization of appropriations, so any costs incurred by the affected courts would be in their normal course of business, albeit outside their normal area of jurisdiction.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 3169 — Pell Grant Hurricane and Disaster Relief Act (Keller)

Order of Business: The bill is scheduled for consideration on Wednesday, September 7, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3169 amends the Higher Education Act of 1965 (20 U.S.C. 1091b(b)(2)) to allow the Secretary of Education to waive repayments of Pell Grants if students are attending a school affected by a major disaster.

Currently, there are certain repayment qualifications if a student receives Pell Grants and does not finish his or her courses. Many institutions of higher education have been affected by Hurricane Katrina, and H.R. 3169 will ensure that the Pell Grant repayment penalties are not triggered simply because the affected universities and colleges can no longer hold classes for the students.

Specifically, the Secretary may waive the Pell Grant repayment requirements if they involve students “(I) who were residing in, employed in, or attending an institution of higher education that is located in an area that is designated by the President to warrant major disaster assistance under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and “(II) whose attendance was interrupted because of the impact of the disaster on the student or the institution.” The waiver may be applied for grants that “end within the academic year during which the designation occurred or during the next succeeding academic year.”

Committee Action: H.R. 3169 was introduced on June 30, 2005, and referred to the House Committee on Education and the Workforce, which took no official action on it.

Cost to Taxpayers: A CBO cost estimate is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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